

## GENERAL INFORMATION FOR CANDIDATES OF THE CCR EXAMINATION

You must present a photo ID, your approval letter and your registration card to gain entrance to the exam. Candidates without these documents must present two forms of photo/signature ID to be considered for entrance to the exam.

Arrive at the reporting time specified. Candidates who arrive late will be denied entrance to the exam. If you have any questions, make those questions known prior to examination day.

### **When you arrive at the exam site:**

1. **Present your photo ID, approval letter and completed registration card to the Registrar.** *(If you have not received your examination packet, including registration card, one week prior to the examination, call the registrar's office at 573-751-4144).*
2. **Sign the sign-in roster. If your name does not appear on the roster, you will be denied entrance to the exam.**
3. **An ID tag will be given to you at the time you register. This must be worn throughout the course of the examination.**

Detailed instructions regarding equipment setup, practice areas, examination schedule, et cetera, will be provided to candidates at the time of sign-in.

At the examination site, each candidate will be supplied with an electrical outlet and an area to set up personal equipment. **The CCR Board provides NO equipment of any kind.**

Each candidate is responsible for providing and operating any equipment they need to take the exam, such as: steno writers, steno paper, ribbons, computers, software, diskettes, computer discs, printers, toner cartridges, transcript paper, cassette tapes, typewriters, cables, extension cords, adapters, surge suppressor/power strips, No. 2 pencils, et cetera.

Candidates must be knowledgeable in the operation of any equipment they bring to the examination site and should not expect instruction or assistance from the Board. **That knowledge MUST include the process for deleting text files from each candidate's own computer.** All equipment should be clearly and visibly labeled with the candidate's name and address. The CCR Board assumes no responsibility should equipment be damaged or stolen, or not function properly.

## CCR EXAMINATION GUIDELINES

The examination is in two parts. Part I is dictation and transcription, known as the skills portion of the exam. Part II is a general knowledge test.

### **PART I - THE SKILLS EXAM:**

In Part I, dictation is given at speeds of **180, 200** and **225** words per minute with a syllabic density count of 1.4 . The dictation at 180 wpm is one-voice dictation. The dictation at 200 wpm is two-voice medical or technical dictation. The dictation at 225 wpm is two-voice Q&A. Only computers utilizing speech recognition software for the purpose of dictation are allowed in the dictation room.

Applicants are allowed three hours to transcribe all dictation. Accuracy of at least 95% on each section of the skills exam is required to pass. Candidates are responsible for producing their own transcripts without assistance.

Transcripts must be produced with a typewriter or a computer word processing program, double-spaced, and printed on one side of the paper. Corrections must be made by the same system. No pen or pencil corrections are allowed. X-ing out is not permitted. Any rough draft or other papers must be turned over to a room monitor at the time final transcripts are submitted. In the event of any technical difficulties, a room monitor should be notified immediately.

Final transcripts **MUST** have the candidate's Examination ID# at the top of each page. This ID# may be handwritten. Each page of final transcript should also be labeled as follows: 180 - p. 1, 180 - p. 2, etc.; 200 - p. 1, 200 - p. 2, etc.; and 225 - p. 1, 225 - p. 2, etc. Final transcripts will **NOT** contain a candidate's name or other personal identification. Candidates may print and proof each section of the examination as it is completed to minimize printing bottlenecks in the last few minutes of the examination. All three transcripts must be printed within the three hours allotted. If two candidates share the use of a printer, a room monitor must be present during all printing. No additional time will be allowed for delays caused by sharing a printer. **All printing stops** at the end of the three-hour period allotted for typing.

Before leaving the transcription room, candidates must delete ALL forms of the skills exam from their equipment: computers, floppy disks, steno writers, word processors and/or typewriters with memory. **All notes from the dictation, whether printed or electronic (i.e., tapes, diskettes, or CDs) MUST be turned in at the end of the transcription period.**

**If all three sections of the skills exam are *not completely* transcribed:**

1. The Affidavit of Non-Transcription (on the bottom right side of the transcript folder provided) must be signed;
2. The initials "NT" (for non-transcription) **must** be written in the appropriate columns on the top left of the transcript folder; and
3. All transcripts must be turned in, completed or partial, before leaving the transcription room, (including paper notes, rough drafts, cassette tapes, and computer discs)

**THE NUMBER of ERRORS ALLOWED  
on the SKILLS PORTION of the EXAM:**

Literary - 45

Medical/Technical - 50

Q & A - 57

**PART II - THE GENERAL KNOWLEDGE TEST:**

Part II of the examination consists of questions about English including grammar, spelling, punctuation; as well as questions related to: vocabulary, medical and legal terminology, court procedure, deposition procedure, transcript preparation, Supreme Court rules, Missouri statutes concerning duties of official and freelance court reporters, and matters of general knowledge.

Candidates should be familiar with the content of all rules, regulations and statutes reproduced in this study guide, but will **NOT** be tested on the specific identifying numbers (such as Rule 19.02, 485.050 RSMo, etc.) Candidates will not be tested on the number of counties in Missouri or on county names.

Candidates have **one hour** in which to complete the General Knowledge Test. **NO** reference material of any kind is allowed, and communication with other applicants is not permitted. Remember to bring some No. 2 pencils, as they are not provided. A minimum score of **80%** is required to successfully pass the General Knowledge Test.

**WHAT IS NOT CONSIDERED an ERROR  
on the SKILLS PORTION of the EXAM:**

1. A misplaced comma or period, unless it alters the meaning of a sentence.
2. Inaccurate paragraphing.
3. Optional capitalization.

**WHAT IS CONSIDERED an ERROR  
on the SKILLS PORTION of the EXAM:**

1. Each incorrect word or name - 1 error
2. Each omitted word - 1 error
3. Each added word not dictated - 1 error
4. Each transposed word - 1 error
5. Each misspelled word (including typos or strikeouts)
6. Each misplaced period that materially alters the sense of a group of words or a sentence - 1 error
7. Each contraction transcribed as two words, and vice versa - 1 error
8. Each obvious question mark omitted from an interrogative sentence or added to a non-interrogative sentence - 1 error
9. Each omitted period at the end of a declaratory question or answer dictation - 1 error
10. Each singular (or plural) if the opposite was dictated - 1 error
11. Each omission of a Q. or A. symbol - 1 error
12. A wrong number - 1 error

13. Each omitted capital letter clearly required by the rules of English - 1 error
14. Each pen or pencil correction - 1 error

**REMEMBER:** All transcripts will be typed, double-spaced, on one side of paper only. Corrections must be made by typewriter or within the word processing program [no pen or pencil corrections]; no strikeovers and no x-ing out.

**SAMPLE QUESTIONS**  
**for the**  
**GENERAL KNOWLEDGE TEST**

**Directions:** *In the sentences below, some of the underlined expressions are incorrect. For each one that is incorrect, choose the best correction of those given and circle its letter.*

1. The doctor after a brief examination of the patient, gave orders to prepare her for surgery.
- A. correct as is
  - B. doctor, after ... patient, gave ...
  - C. doctor, after ... patient gave ...
  - D. doctor after ... patient gave ...
2. His son enjoys the study of History, English, and Geography.
- A. correct as is
  - B. ... history, English, and geography.
  - C. ... history, english, and geography.
  - D. ... history, English and Geography.
3. Every firm should live up to \_\_\_\_\_ promises.
- A. its'
  - B. it's
  - C. its

**Directions:** *In each of the following, only one of the words is misspelled. Circle the letter preceding the word that is misspelled.*

4. A. accomodate  
B. conscience  
C. prepare

- D. recommend
5. A. acquire  
B. proffered  
C. harrass  
D. lawsuit
6. A. particuliar  
B. opportunity  
C. shining  
D. transferred

**Directions:** Circle the letter preceding the word or expression that best completes the statement.

7. Evidence given in a trial by a doctor, accountant or other professional in support of the contentions of either side in a lawsuit is commonly known as
- A. special testimony  
B. expert testimony  
C. lay testimony  
D. rebuttal testimony
8. At the conclusion of all cross-examination the party who originally called the witness may examine him further. This examination is called
- A. further direct examination  
B. recross-examination  
C. redirect examination  
D. voir dire examination
9. Typewritten transcripts on appeal shall be in type not smaller than
- A. elite  
B. pica  
C. script  
D. gothic

**Directions:** Locate the incorrect word and write the correct word(s) on the blank line provided.

10. You couldn't hardly expect him to agree. \_\_\_\_\_
11. Take the new stationery into the boss for his approval. \_\_\_\_\_
12. The papers are altogether on your desk. \_\_\_\_\_
13. The information laid on his desk awaiting his perusal. \_\_\_\_\_
14. Sharon was insighted to anger by the rude remark made to her by Carl. \_\_\_\_\_
15. The medicine did not effect me.

**Directions:** Select answer that most nearly expresses the meaning of the word or words that the following acronyms represent.

16. A.L.R.2d
- A. Alabama Legal Restitution, Second
  - B. American Legal Remedies, 2nd Department
  - C. Alaska Library Resources, Second Series
  - D. American Law Reports, Second Series
17. F.R.D.
- A. Federal Rural Delivery
  - B. Free Reporter Drafts
  - C. Federal Rules Digest
  - D. Federal Rules Decisions
18. S.W.
- A. Southern Writers
  - B. Supreme Writs
  - C. South Western Reporter
  - D. Single Women

**Directions:** Circle the letter preceding the word or expression that best completes the statement.

19. A trauma is a/an
- A. bone

- B. nerve
- C. injury
- D. muscle

20. Neuritis is the inflammation of a

- A. muscle
- B. gland
- C. nerve
- D. bone

### **CANDIDATE MISCONDUCT**

During the examination, improprieties such as giving or obtaining unauthorized information or aid, as evidenced either by observation or subsequent analysis, or the handling of another applicant's exam, steno notes, tapes or computer discs **shall result in the automatic failure of the CCR exam.** Said candidate will not be permitted to participate in another CCR examination unless and until granted permission to reapply by the Board of Certified Court Reporter Examiners.

### **FOR CCR CERTIFICATION TO REMAIN VALID**

A certified reporter must comply with all rules, regulations and requirements of the CCR Board, and continue to use the method of verbatim reporting used when certification was attained.

If a court reporter adopts a new method of verbatim reporting (switching from steno machine to stenomask or vice versa), his or her certification is not valid when using the new method of verbatim reporting until the CCR examination is retaken and successfully passed using the new reporting method.



## **EXAMINATION SCHEDULE**

The examination schedule is at the discretion of the Board of Certified Court Reporter Examiners, based on a variety of factors, and is always subject to change. Therefore, an advance schedule is no longer provided. It is the responsibility of the applicant to arrive at the examination site fully prepared. Unless you receive notification to the contrary, registration is at 8 a.m. The registrar and board members arrive early to complete their tasks related to registration and testing. Do not interrupt their duties with questions that should have been addressed well before examination day. Do not request or expect special consideration, such as registering early, because you arrived at 7:30 a.m. At any time that it is feasible to do so, the registrar may announce that registration may begin prior to 8 a.m., but this is strictly at the discretion of the registrar.

**REMEMBER - - ARRIVE EARLY, RESTED, AND PREPARED.**

**DOUBLE-CHECK YOUR EQUIPMENT, MAKE SURE IT WORKS !!**

**Familiarity with equipment being used is YOUR responsibility.**

**Examination Day is NOT the time to frantically begin studying.**

**MISSOURI RULES**  
**RULES GOVERNING THE MISSOURI BAR AND THE JUDICIARY**  
**RULE 14. CERTIFIED COURT REPORTERS**

Amended February 28, 2001  
Effective January 1, 2002

**14.01. MEMBERS OF THE BOARD**

(a) The "Board of Certified Court Reporter Examiners" shall be composed of nine members who shall be appointed by this Court. Five members shall be judges of the circuit or appellate courts. Three of the members shall have been official court reporters in Missouri. One member shall be a practicing freelance court reporter in Missouri. The court reporter members shall be citizens of Missouri for at least five years prior to their appointment.

(b) Members shall be appointed for three-year terms and shall serve until their successors are appointed and qualified. This Court shall fill a vacancy by appointing a member for the duration of an unexpired term and may remove a member for cause.

(c) Each member shall take an oath to fairly and impartially and to the best of the member's ability administer this Rule 14.

#### **14.02. OFFICERS OF THE BOARD – MEETINGS**

The board shall elect one of its members chair and one secretary, each of whom shall serve for one year and until a successor is elected. The clerk of this Court shall serve as treasurer. The board shall have an office in Jefferson City and shall hold such meetings, not less than one a year, at such time and places as the board shall designate.

#### **14.03. DUTIES OF THE BOARD**

The board is charged with the duty and vested with the power and authority:

- (a) To determine the content of examinations to be given to applicants for certification as “Certified Court Reporters;”
- (b) To determine the applicant's ability to make a verbatim record of court proceedings by a recognized system designated by the board;
- (c) To issue certificates to those found qualified as certified court reporters;
- (d) To administer a continuing education program for certified court reporters; and
- (e) To promulgate, amend and revise regulations relevant to the above duties and to implement this Rule 14. The regulations shall be consistent with the provisions of this Rule 14 and shall not be effective until approved by this Court.

#### **14.04. APPLICATION FOR CERTIFICATION**

Every applicant for examination for certification as a certified court reporter or for certification as a certified court reporter without further examination as provided in Rule 14.06 shall file with the clerk of this Court a written application in the form prescribed by the board. The applicant shall pay a fee to the clerk of this Court at the time the application is filed. The fee shall be in an amount provided in the regulations of the board and shall not be subject to withdrawal by the applicant in the event the applicant decides not to take the examination or is denied the right to take the examination. Upon request, the clerk of this Court shall forward to any interested person application forms together with the text of this Rule 14 and copies of regulations promulgated by the board under the provisions of Rule 14.03(e).

#### **14.05. ELIGIBILITY FOR CERTIFICATION**

Applicants shall be at least eighteen years of age and be of good moral character.

#### **14.06. ADMISSION WITHOUT EXAMINATION**

(a) A certified court reporter certificate issued before December 31, 2001, and in good standing on that date shall remain in full force and effect unless thereafter revoked or suspended as provided by this Rule 14.

(b) Until July 1, 2002, upon application and payment of a \$100 fee, a court reporter who holds a certificate, as hereafter specified, that was valid and current on December 31, 2001, from any of the following organizations shall be issued a certificate without examination:

- (1) A Missouri certified shorthand reporter certificate from the Missouri Court Reporters Association;
- (2) A registered professional reporter certificate from the National Court Reporters Association;
- (3) A certified verbatim reporter certificate from the National Verbatim Court Reporters Association.

(c) A person shall be issued a certificate containing the designation "(G)" if the person:

- (1) Verifies upon written affidavit from three current members of The Missouri Bar in good standing that the person has been actively engaged in the practice of court reporting in this state in the 24 months preceding December 31, 2001; and
- (2) Makes application and pays a \$100 fee before July 1, 2002.

The "(G)" designation indicates that the person has not completed the testing requirement as a certified court reporter, but is permitted to continue the practice of court reporting.

No certificate pursuant to this Rule 14.06(c) shall issue after July 1, 2002.

(d) A person who has not been actively engaged in the practice of court reporting for a period of 24 months preceding December 31, 2001, has 24 months after December 31, 2001, to pass the certified court reporter examination. The person may be awarded a temporary certificate by the board upon application and payment of the required application fees. The temporary certificate shall be valid for a period of 24 months and shall not be renewable.

(e) A graduate of an accredited school of court reporting recognized by the board shall be awarded a temporary certificate upon initial application for certification testing to the board and payment of the required application fees. The temporary certificate shall be valid for a period of 24 months and shall not be renewable.

(f) A court reporter who has not successfully passed an examination for certification as designated in Rule 14.06(a) or Rule 14.06(b) shall not be appointed as an official court reporter in any circuit court in this state.

#### **14.07. APPOINTMENT OF OFFICIAL COURT REPORTER - TEMPORARY APPOINTMENT**

No judge of any court of this state shall appoint an official court reporter who is not a certified court reporter. In the absence of an official court reporter because of illness, physical incapacity, death, dismissal or resignation, a judge may appoint a temporary reporter. The temporary reporter shall not serve more than

six months without obtaining a certificate pursuant to this Rule 14.

#### **14.08. FUNDS - DISBURSEMENT OF**

All fees and other monies accruing under this Rule 14 shall be deposited by the clerk of this Court in an account called "Certified Court Reporters." All expenses incurred by the board shall be paid out of this fund as authorized and directed by the board. The traveling and other necessary expenses of the members of the board shall be paid from said fund.

#### **14.09. CONTINUING EDUCATION, ACCREDITATION OF PROGRAMS AND ACTIVITIES**

(a) Each certified court reporter shall complete during each reporting year at least ten credit hours of continuing education from programs accredited by the board. A reporting year shall be from July 1 of each year through June 30 of the following year.

(b) A certified court reporter completing more than ten credit hours of accredited programs during one reporting year may receive credit in the next succeeding reporting year for the excess credit hours earned in the immediately preceding year.

(c) A certified court reporter is not required to complete any credit hours in the reporting year in which the reporter is initially certified as provided in this Rule 14. Upon written application and for good cause shown, waivers or extensions of time of the credit hours or reporting requirements of this Rule 14 may be granted by the board in individual cases or classes of cases involving hardship or extenuating circumstances.

(d) Continuing education programs for court reporters shall be developed, reviewed and accredited by the board. The court reporter education committee is an accredited sponsor of such programs.

(e) A person meeting the following requirements shall be excused from the continuing education requirement:

- (1) Has practiced court reporting for at least 40 years or has reached the age of 60 years;
- (2) Holds a certified court reporter certificate;
- (3) Is in good standing as a certified court reporter, and
- (4) Has been excused from payment of the annual fee required to maintain certification.

*(Rule 14.09 amended June 3, 2003, effective January 2, 2004)*

#### **14.10. REPORTING REQUIREMENTS - SANCTIONS – REVIEW**

(a) On or before July 31 of each year, each certified court reporter shall report to the board the number of credit hours of accredited programs the reporter completed in the preceding reporting year.

(b) Each certified court reporter failing to meet the continuing education requirements of this Rule 14 shall be notified by mail addressed to the reporter's last known address. The notice shall advise the reporter that he or she has not filed the required report or completed the required number of credit hours and that the reporter, if required to meet the continuing education requirements of this Rule 14, may file, within thirty days of the date the notice was mailed, information establishing compliance. Within thirty days of the receipt of any information establishing compliance with this Rule 14 submitted by the reporter, the board shall determine if the reporter completed the required number of credit hours of accredited programs or if the reporter is entitled to a waiver of the requirement or an extension of time to comply with the requirement. The board shall notify the reporter of its determination of compliance with this Rule 14.

(c) A certified court reporter may file a written request for reconsideration within fifteen days of the date of board's notice pursuant to Rule 14.10(b) that the reporter has not filed the required report or completed the required number of credit hours. The reporter requesting reconsideration shall submit written documentation accompanying the reporter's request for reconsideration in support of the request. The board shall reconsider its decision and shall make a decision within 45 days of the filing of any request for

reconsideration. The reporter shall be notified of the decision within ten days of the board's decision regarding the request for reconsideration.

(d) Each certified court reporter to whom a notice is sent pursuant to Rule 14.10(b) shall pay a late filing fee of \$25. Payment of this fee shall accompany the late-filed information establishing compliance with the continuing education requirements of this Rule 14. Failure to pay the fee shall be considered a failure to comply with these requirements.

(e) The board annually shall report to this Court the name of each certified court reporter not meeting the continuing education requirements of this Rule 14 and may recommend, pursuant to Rule 14.11(a), revocation or suspension of the certification of any court reporter not meeting the continuing education requirements.

#### **14.11. REVOCATION OR SUSPENSION**

(a) This Court, for good cause shown after a hearing by the board, may revoke or suspend any certificate issued by the board.

(b) The clerk of this Court shall notify or cause to be notified the clerk of each circuit court, the court administrator of the circuit courts of St. Louis City and Jackson and St. Louis Counties, and the clerk of each district of the court of appeals of the name and certificate number of any court reporter whose certificate has been revoked or suspended. If a certificate that has been revoked or suspended is reinstated, the clerk of this Court shall notify or cause to be notified the clerk of each circuit court, the court administrator of the circuit courts of St. Louis City and Jackson and St. Louis Counties, and the clerk of each district of the court of appeals of the name and certificate number of any court reporter whose certificate has been reinstated.

(c) A certified court reporter who has allowed a certification to lapse due to nonpayment of the renewal fee may request reinstatement by the board upon payment of all back fees plus a penalty of \$25 for each year, to a maximum of \$100, of nonpayment and proof of compliance or request for waiver of the provisions of Rule 14.09 and Rule 14.10.



#### **14.12. INTERPRETATION OF RULE**

Nothing in this Rule 14 shall be construed as a limitation upon the powers of this Court, the court of appeals, or the circuit court to govern the conduct of and to discipline official court reporters. Nor shall this Rule 14 be construed as any limitation upon the rights of any individual to seek any remedy afforded by law, nor as an exclusive mode of regulating court reporters.

### **REGULATIONS**

#### **STATE OF MISSOURI**

#### **THE BOARD OF CERTIFIED COURT REPORTER EXAMINERS UNDER PROVISIONS OF SUPREME COURT RULE 14.03(e)**

The Board of Certified Court Reporter Examiners, hereinafter referred to as “the Board,” hereby promulgates the following regulations, as directed by Supreme Court Rule 14.03(e), for implementation of the duties assigned herein.

1. Vacancies or newly established positions of official court reporters in courts of record of Missouri shall be filled by persons holding certificates as Certified Court Reporter, hereinafter referred to as “C.C.R.,” issued by the Board as provided in Rule 14.07.

2. Applicants, other than those admitted without examination under Rule 14.06, shall file not later than thirty days prior to the next examination a written application in the form prescribed by the Board together with a fee of \$100.00 with the Clerk of the Supreme Court, which fee shall not be refunded in the event the applicant decides not to take the examination or fails the examination.

3. Any applicant who fails to pass any or all sections of Part I, the skills exam, and/or Part II, the general knowledge test, of the examination shall be permitted to take a subsequent examination upon the filing of a new application, together with a fee of \$100.00 as required in the preceding paragraph of this Regulation. Such an examination shall include only the sections previously failed by the applicant.

4. A person who is serving as a temporary reporter, as permitted by Rule 14.07, and who takes but fails to pass an examination for certification shall thereafter, for so long as the reporter serves as a temporary reporter, take each successive examination given by the Board until the reporter attains certification under Rule 14.

5. Upon request, the Clerk of the Supreme Court shall forward to any person application forms, certificate of character forms (when applicable), and copies of Rule 14 and the Regulations of the Board.

6. Examinations for certification shall be held at least semiannually at times and places to be set by the Board.

7. The C.C.R. certificate, once granted by the Board, shall remain in effect upon the payment to the Clerk of the Supreme Court of an annual fee of \$100.00 on or before January 1 of each succeeding year unless suspended or revoked pursuant to Rule 14.10 or 14.11.

8. On July 1 of each year, all C.C.R. certificates which have not been renewed by the payment of the annual renewal fee shall expire. An expired C.C.R. certificate may be reinstated at any time within the following six months, up to and including December 30, by payment of the delinquent renewal fee. After that time, an expired C.C.R. certificate shall not be subject to reinstatement without examination.

9. Persons holding a C.C.R. certificate who have practiced court reporting for 40 years or more,

or who have reached the age of 60 years and are then in good standing as a C.C.R., shall be excused from the payment of the annual fee thereafter upon making a written application to the Board of Certified Court Reporter Examiners showing such fact.

10. Each person who is issued a C.C.R. certificate shall be entitled to use the abbreviation “C.C.R.” after their name. Such person shall be entitled to procure and use a seal, similar to seals provided for use of notaries public, upon which shall be engraved the name of the reporter and the words “Missouri Supreme Court-Certified Court Reporter.”

11. No certificate shall be valid for any system of verbatim reporting other than that for which it is issued.

12. Any C.C.R. who desires to employ a different system of verbatim reporting other than that system in which they have already been certified by the Board shall, prior to employing said system, become certified in said system pursuant to Rule 14.

13. The examination shall be conducted in two parts:

In Part I, each applicant shall satisfy the following accuracy and speed requirements in the system of verbatim reporting for which he/she seeks certification:

- (1) Five (5) minutes of one-voice dictation at 180 words per minute;
- (2) Five (5) minutes of two-voice medical or technical dictation at 200 words per minute; and
- (3) Five (5) minutes of two-voice dictation at 225 words per minute.

Each five-minute dictation will include the requisite number of words, with each 15-second segment having a 1.4 syllabic density.

Applicants will be given a total of three (3) hours to transcribe the dictation, with an accuracy of 95% required to pass.

Applicants may employ any system of verbatim reporting by which a record is preserved, the accuracy of which shall be the personal responsibility of the court reporter, provided, however, no system of direct electrical recording shall be considered a system of verbatim reporting for purposes of these

regulations.

Applicants shall be required to furnish the equipment and supplies necessary for the reporting and transcription of dictated matter.

Upon completion of the examination, all verbatim notes or records, including tapes, diskettes or computer discs, transcripts, and other papers in connection with the examination, shall be retained in the custody of the Board.

In Part II, each applicant shall be tested in the following subjects:

- (1) English, including grammar, vocabulary, punctuation, and spelling;
- (2) Medical and legal terminology;
- (3) Court and deposition procedures;
- (4) Transcript preparation;
- (5) Supreme Court Rules and statutes concerning court reporter duties; and
- (6) Matters of general knowledge.

Applicants will be given one hour in which to complete the General Knowledge Test, with a minimum score of 80% required to pass.

The content and depth of the examination shall be a continuing subject of review and consideration by the Board, and changes may be incorporated by means of amendments to these regulations.

14. The Board shall maintain a roster, along with pertinent information, of all individuals who have been certified. The Board, in its discretion, may publish a list of all C.C.R.s who are in good standing, suspended or revoked, and whose temporary certificates have expired.

## **COURT OPERATING RULE 5.04**

### **REQUEST FOR PREPARATION OF TRANSCRIPT**

(a) All requests for the preparation of a transcript shall be filed within the time prescribed by Supreme Court Rules 81.04.

(b) All transcripts of cases on appeal recorded on electronic sound recording shall be prepared by the Office of State Courts Administrator, an approved contractor or by an official court reporter.

(c) All transcripts of the preliminary examination recorded on electronic sound recording shall be prepared by the Office of State Courts Administrator or by an official court reporter. Pursuant to Supreme Court Rule 22.08, in all cases of homicide, a verbatim record of the testimony at the preliminary examination shall be made. It shall be transcribed upon the written request of the state or defendant. Costs for the preparation of a transcript shall be paid by the requesting party.

(d) The responsible clerk shall collect a deposit for the cost of preparation of a transcript plus copies plus postage, where applicable, based upon the current contract rate by the Office of State Courts Administrator.

State agencies shall pay the costs of preparing transcripts unless otherwise provided by law. State agencies are not required to make an advance deposit.

Upon receipt of the required deposit, the clerk shall promptly forward the original tapes of the proceeding with copies of the recording logs to the Office of State Courts Administrator or to the official court reporter. The deposit shall be accounted for by the clerk as other costs in the case.

## **COURT OPERATING RULE 19**

### **COURT REPORTERS**

1. Pursuant to Article V, Section 4 of the Missouri Constitution, the following rule, to be known as Administrative Rule 19, is hereby adopted [May 30, 1995].

### **19.01. CIRCUIT JUDGES SHALL APPOINT OFFICIAL REPORTERS**

(a) Each circuit judge, except circuit judges who serve as judges of a probate division of the circuit court, shall appoint an official court reporter who shall be a certified court reporter as provided by Supreme Court Rule 14.

(b) Each circuit judge who serves as a judge of a probate division of the circuit court may appoint an official court reporter who shall be a certified court reporter as provided by Supreme Court Rule 14. In lieu of appointing an official court reporter, a circuit judge who serves as the judge of a probate division of the circuit court may utilize the services of a court reporter who is a certified court reporter on a part-time basis or may preserve the record in the manner provided in § 478.072, RSMo.

### **19.02. TERM OF OFFICE OF OFFICIAL COURT REPORTERS**

Persons serving as official court reporters shall be officers of the court and shall hold office during the pleasure of the judge who appointed the reporter. On the death, resignation or retirement of that judge, the reporter shall retain the office of official court reporter until the judge's successor is sworn into office.

### **19.03. DUTIES OF OFFICIAL COURT REPORTERS**

(a) Official court reporters shall attend all sessions of court under the direction of the circuit judge appointing the reporter and such other sessions of court to which the reporter is assigned.

(b) Each official court reporter shall make a verbatim record of the oral evidence offered in causes tried under the direction of the circuit judge appointing the court reporter and in such other sessions of court to which the reporter is assigned, together with all objections to the admissibility of testimony, the rulings of the court thereon, and all exceptions taken to such rulings.

(c) Each official court reporter shall preserve the notes, either printed or electronic, as utilized in the reporter's method of court reporting, for future use or reference and shall furnish to any person a transcript of all or any part of said evidence or oral proceedings upon payment to the reporter of the fee provided by law.

(d) The court reporter who serves as official court reporter in any court proceeding shall be

responsible for transcribing the notes from that proceeding upon receiving a request to furnish a transcript thereof regardless of whether the reporter is an official court reporter at the time the transcript is requested. The reporter shall receive the fee that is provided by law for preparation of the transcript. [See RSMo 488.2250.]

2. The Board of Certified Court Reporter Examiners shall provide copies of this order to all circuit judges appointing court reporters and all certified court reporters.

## **RULES OF CRIMINAL PROCEDURE**

### **RULE 24. MISDEMEANORS OR FELONIES -**

## **ARRAIGNMENTS AND PROCEEDINGS BEFORE TRIAL**

### **24.03. FELONIES - GUILTY PLEAS - RECORD**

When a defendant enters a plea of guilty to a felony, the court reporter shall:

- (a) Record accurately all court proceedings in connection with the plea;
- (b) Prepare a transcript of such proceedings when the sentence imposed requires delivery of the defendant to the department of corrections on a felony, except any class C or class D felony. The transcript shall not be prepared otherwise unless a motion is filed under Rule 24.035. The circuit clerk shall notify the court reporter that the motion has been filed, and the transcript shall be prepared within thirty days from the date the reporter receives the notice.
- (c) Certify the accuracy of the transcript of the proceedings and immediately deliver the certified transcript to the circuit clerk;
- (d) Receive for preparing such certified transcript the amount provided in §488.2250<sup>1</sup>, RSMo, for preparing an original transcript in a criminal case where the defendant is unable to pay the costs.

The circuit clerk shall note the filing of the certified transcript in his record and shall place the same, as a part of the permanent record of the case, in the file containing the indictment or information.

### **24.035. CONVICTION AFTER GUILTY PLEA - CORRECTION**

- (c) **Clerk's Duties.** Movant shall file the motion and two copies thereof with the clerk of the trial



court. The clerk shall immediately deliver a copy of the motion to the prosecutor. Upon receipt of the motion, the clerk shall notify the sentencing judge and shall notify the court reporter to prepare and file the complete transcript of the movant's guilty plea and sentencing hearing if the transcript has not yet been prepared or filed. If the motion is filed by an indigent pro se movant, the clerk shall forthwith send a copy of the motion to the counsel who is appointed to represent the movant.

**(i) Presence of Movant - Record of Hearing - Continuance of Hearing - Burden of Proof.**

At any hearing ordered by the court the movant need not be present. The court may order that testimony of the movant shall be received by deposition. The hearing shall be on the record and shall be confined to the claims contained in the last timely filed motion. The court may continue the hearing upon a showing of good cause. The movant has the burden of proving the movant's claims for relief by a preponderance of the evidence.

**(k) Appeal - Standard of Appellate Review.** An order sustaining or overruling a motion filed under the provisions of this Rule 24.035 shall be deemed a final judgment for purposes of appeal by the movant or the state. If the court finds that a movant allowed an appeal is an indigent person, it shall authorize an appeal in forma pauperis and furnish without cost a record of all proceedings for appellate review. When the appeal is taken, the circuit court shall order the official court reporter to promptly prepare the transcript necessary for appellate review without requiring a letter from the movant's counsel ordering the same. If the sentencing court finds against the movant on the issue of indigence and the movant so requests, the court shall certify and transmit to the appellate court a transcript and legal file of the evidence solely on the issue of indigence so as to permit review of that issue by the appellate court. Appellate review of the trial court's action on the motion filed under this Rule 24.035 shall be limited to a determination of whether the findings and conclusions of the trial court are clearly erroneous.

**RULE 29. MISDEMEANORS OR FELONIES - VERDICT,  
SENTENCE AND NEW TRIAL**

## **29.15. CONVICTION AFTER TRIAL - CORRECTION**

### **(i) Presence of Movant - Record of Hearing - Continuance of Hearing - Burden of Proof.**

At any hearing ordered by the court the movant need not be present. The court may order that testimony of the movant shall be received by deposition. The hearing shall be on the record and shall be confined to the claims contained in the last timely filed motion. The court may continue the hearing upon a showing of good cause. The movant has the burden of proving the movant's claims for relief by a preponderance of the evidence.

**(j) Findings and Conclusions - Judgment.** The court shall issue findings of fact and conclusions of law on all issues presented, whether or not a hearing is held. If the court finds that the judgment was rendered without jurisdiction, that the sentence imposed was illegal, or that there was a denial or infringement of the rights given movant by the constitution of Missouri or the constitution of the United States as to render the judgment subject to collateral attack, the court shall vacate and set aside the judgment and shall discharge the movant or resentence the movant or order a new trial or correct the judgment and sentence as appropriate.

**(k) Appeal - Standard of Appellate Review.** An order sustaining or overruling a motion filed under the provisions of this Rule 29.15 shall be deemed a final judgment for purposes of appeal by the movant or the state. If the court finds that a movant allowed an appeal is an indigent person, it shall authorize an appeal in forma pauperis and furnish without cost a record of all proceedings for appellate review. When the appeal is taken, the circuit court shall order the official court reporter to promptly prepare the transcript necessary for appellate review without requiring a letter from the movant's counsel ordering the same. If the sentencing court finds against the movant on the issue of indigence and the movant so requests, the court shall certify and transmit to the appellate court a transcript and legal file of the evidence solely on the issue of indigence so as to permit review of that issue by the appellate court. Appellate review of the trial court's action on the motion filed under this Rule 29.15 shall be limited to a

determination of whether the findings and conclusions of the trial court are clearly erroneous.

## **RULE 30. APPELLATE PROCEDURE IN ALL CRIMINAL CASES**

### **A. CRIMINAL PROCEEDINGS PENDING BEFORE A CIRCUIT JUDGE**

#### **30.01. RIGHT TO AND MANNER OF APPEAL**

(a) **Right to Appeal.** After the rendition of final judgment in a criminal case, every party shall be entitled to any appeal permitted by law.

(b) **Jointly or Separately.** Codefendants may join in an appeal or any one or more of them may appeal separately.

(c) **Designation of Parties.** The party appealing shall be known as the appellant, and the adverse party as the respondent, but the title of the action shall not be changed in consequence of the appeal.

#### **30.02. INTERLOCUTORY APPEAL BY STATE**

If the state is permitted by law to appeal an order or judgment that is not a final judgment, the appeal shall be prosecuted in the same manner as an appeal from a final judgment, except as follows:

(a) no such appeal shall be effective unless the notice of appeal shall be filed within the time provided by the statute authorizing the appeal;

(b) the record on appeal shall be filed in the appellate court within fifteen days after the notice of appeal is filed in the circuit court; and

(c) appellant's brief shall be filed within thirty days of the filing of the record on appeal; respondent's brief shall be filed within twenty days of the filing of the appellant's brief; and appellant's reply brief, if any, shall be filed within ten days of the filing of the respondent's brief.

### **30.04. RECORD ON APPEAL - CONTENTS - DESIGNATION - COMPILING, ORDERING, FILING AND SERVICE - ERRORS, OMISSIONS AND SUPPLEMENTAL RECORD**

(a) **Contents of Record on Appeal.** The record on appeal shall contain all of the record, proceedings and evidence necessary to the determination of all questions to be presented, by either appellant or respondent, to the appellate court for decision. In order to reduce expense and expedite the preparation of the record on appeal, it is divided into two components, i.e., the "legal file" and the "transcript."

The legal file shall be so labeled with a cover page and contain clearly reproduced exact copies of the indictment or information and other portions of the trial record previously reduced to written form.

The transcript shall contain the portions of the proceedings and evidence not previously reduced to written form.

The legal file shall always include, in chronological order: the indictment or information on which defendant was tried, defendant's arraignment or waiver thereof and plea, the fact of defendant's presence at the trial, the verdict, any motion for new trial or other after-trial motion, the court's rulings thereon, the fact that allocution was accorded defendant, the judgment and sentence, and the notice of appeal with its date of filing. The parties may agree in writing upon an abbreviated or partial transcript of the record, proceedings, and evidence, with the evidence either in narrative form or in question and answer form.

(b) **Matters Omitted.** The record on appeal shall not include or set forth the original or any subsequent writ or the return thereof unless a question is raised as to the regularity of the process or its execution or as to the jurisdiction of the court. No matter touching on the organization of the court, or any continuance, motion or affidavit, not material to the questions presented for determination, shall be inserted in the record on appeal. Where there is no dispute as to the admissibility or legal effect of documentary evidence, such documentary evidence may be stated according to its legal effect. Formal parts not in dispute may be omitted. No part of the record when once set forth in the record on appeal is required to be repeated in any other part of

the record on appeal.

The following items shall not be included in the record on appeal unless specifically requested and necessary to determination of issues on appeal: voir dire, opening statements, closing arguments, briefs and memoranda, notices of filing, subpoenas, summonses, motions to extend time, affidavits and admissions of service and mailing notices of settings, depositions and notices, and jury lists.

**(c) Duty of Appellant to Order the Transcript and Compile the Legal File.** Within thirty days after the notice of appeal is filed, the appellant shall order the transcript from the reporter or from the clerk if there was no reporter. The written order shall designate the portions of the proceedings and evidence not previously reduced to written form that are to be included in the transcript. A copy of the written order shall be filed with the appellate court and served on the respondent.

The appellant shall also prepare the legal file and deliver a copy to the respondent. Documents that are needed for the legal file shall be ordered from the clerk within thirty days after the notice of appeal is filed.

If the respondent is dissatisfied with the appellant's record on appeal, the respondent may file within the time allowed for filing respondent's brief such additional parts of the record on appeal as respondent considers necessary.

**(d) Form - Index and Page Numbers.** The pages of both the legal file and the transcript shall be numbered consecutively and each shall contain a complete index at the front thereof, designating the specific volumes and pages where the particular records, pleadings, motions, verdicts, judgments, orders, instructions, evidence, exhibits and documentary evidence, may be found. If portions of the trial record, proceedings and evidence are omitted from the transcript, the indices shall so indicate. If the transcript includes the testimony of witnesses, the index shall refer to the transcript pages where the several examinations (direct, cross, redirect, etc.) of each witness may be found. Exhibits shall be identified in the index by number or letter and page and, in addition, shall be described so that the court can distinguish the exhibits.

**(e) Form of Record on Appeal.** The legal file shall be duplicated by any clear dry duplicating process, but may be typewritten or printed if the duplicating process is inadequate.

The transcript shall be typewritten or printed or prepared by any other clear or dry duplicating process. If typewritten, the legal file or transcript shall comply with the requirements of Rule 81.18. If duplicated, the legal file shall be a true copy of the original documents.

**(f) Record on Appeal - When and Where Filed and Served.** Within the time prescribed by Rule 81.19, the appellant shall cause the record on appeal to be prepared in accordance with the provisions of this Rule 30 and filed with the clerk of the proper appellate court and shall serve a copy thereof on the respondent. Proof of such service shall be filed with the appellate court. A copy of the transcript and the index of the legal file, with the caption of the case noted thereon, shall be filed with the clerk of the trial court. A copy of the complete legal file shall not be filed with the trial court except upon court order. Respondent may file within the time allowed for serving respondent's brief additional parts of the record. In the event of the filing of any additional or supplemental record, such additional or supplemental record shall be served, and copies thereof shall be filed with the clerk of the trial court as provided herein.

**(g) Certification of the Record on Appeal.** The transcript shall be certified by the court reporter as a true and accurate reproduction of the proceedings transcribed. If the trial proceedings are recorded by means of an electronic sound recording, the transcript thereof shall be certified by the transcriber as a true and accurate reproduction of the sound recording.

The legal file shall be certified by the clerk of the trial court to consist of true copies of portions of the trial record, proceedings, and evidence previously reduced to writing and filed in the trial court.

If the parties agree in writing as part of the record on appeal that either the legal file or the transcript is true and accurate, certification of that part of the record on appeal shall not be required.

If there is any dispute concerning the correctness of any legal file or transcript, or if the parties fail to agree within a reasonable time as to its correctness, the legal file or transcript shall be settled and approved by the trial court.

**(h) Errors - Omissions - Supplemental Record on Appeal.** If anything material is omitted from the record on appeal, the parties by stipulation, or the appellate court, on a proper suggestion or of its own initiative, shall direct that the omission or misstatement be corrected. The appellate court may, if it deems necessary, order that a supplemental record on appeal be prepared and filed by either party or by the clerk of the trial court including any additional part of the trial record, proceedings and evidence, or the clerk may be directed to send up any original documents or exhibits.



**RULE 31. MISDEMEANORS OR FELONIES -  
PRESENCE OF DEFENDANT AND RIGHT TO COUNSEL**

**31.03. MISDEMEANORS OR FELONIES - PRESENCE OF DEFENDANT -  
WHEN REQUIRED**

(a) No trial shall be conducted or a plea of guilty entered unless the defendant is present, except that in a misdemeanor case the court, the prosecuting attorney, and the defendant may agree that the defendant need not be present.

(b) A verdict may be received by the court in the absence of the defendant when such absence is voluntary.

(c) If there is a record entry showing that the defendant was present at the commencement or at any stage of the trial, it shall be presumed, in the absence of any record entry to the contrary, that he was present during the entire trial.

## **RULES OF CIVIL PROCEDURE**

### **RULE 55. PLEADINGS AND MOTIONS**

#### **55.29. PLACE OF HEARING AND ACTS IN CHAMBERS**

All trials upon the merits shall be conducted in open court and so far as convenient in a regular courtroom. All other acts or proceedings may be done or conducted by a judge in chambers, without the attendance of the clerk or other court officials, and at any place either within or without the county where the action is pending, but no trial or evidentiary hearing, other than an authorized ex parte hearing, shall be conducted outside the county where the case is pending without the consent of all parties affected thereby.

## **RULE 57. INTERROGATORIES AND DEPOSITIONS**

### **57.03. DEPOSITIONS UPON ORAL EXAMINATION**

**(c) Non-stenographic Recording - Video Tape.** Depositions may be recorded by the use of video tape or similar methods. The recording of the deposition by video tape shall be in addition to a usual recording and transcription method unless the parties otherwise agree.

(1) If the deposition is to be recorded by video tape, every notice or subpoena for the taking of the deposition shall state that it is to be video taped and shall state the name, address and employer of the recording technician. If a party upon whom notice for the taking of a deposition has been served desires to have the testimony additionally recorded by other than stenographic means, that party shall serve notice on the opposing party and the witness that the proceedings are to be video taped. Such notice must be served not less than three days prior to the date designated in the original notice for the taking of the depositions and shall state the name, address and employer of the recording technician.

(2) Where the deposition has been recorded only by video tape and if the witness and parties do not waive signature, a written transcription of the audio shall be prepared to be submitted to the witness for signature as provided in Rule 57.03(f).

(3) The witness being deposed shall be sworn as a witness on camera by an authorized person.

(4) More than one camera may be used, either in sequence or simultaneously.

(5) The attorney for the party requesting the video taping of the deposition shall take custody of and be responsible for the safeguarding of the video tape and shall, upon request, permit the viewing thereof by the opposing party and if requested, shall provide a copy of the video tape at the cost of the requesting party.

(6) Unless otherwise stipulated to by the parties, the expense of video taping is to be borne by the party utilizing it and shall not be taxed as costs.

**(d) Record of Examination; Oath; Objections.** The officer before whom the deposition is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means ordered in accordance with Rule 57.03(c). If requested by one of the parties, the testimony shall be transcribed.

All objections made at the time of the examination to the qualifications of the officer taking the deposition, to the manner of taking it, to the evidence presented, to the conduct of any party, or any other objection to the proceedings shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition, and that party shall transmit them to the officer before whom the deposition is to be taken, who shall propound them to the witness, and the questions and answers thereto shall be recorded.

**(f) Submission to Witness; Changes; Signing.** When the testimony is fully transcribed, the deposition shall be submitted by the officer to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them; provided, however, that the answers or responses as originally given, together with the changes made and reasons given therefor, shall be considered as a part of the deposition. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found, or is dead or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness, or death or absence of the witness or the fact of the refusal to sign together with the reasons, if any, given therefor; and the deposition may then be used as fully as though signed, unless, on a motion to suppress, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

**(g) Certification, Delivery, and Filing; Exhibits; Copies.**

(1) *Certification and Delivery.* The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. Upon payment of reasonable charges therefor, the officer shall deliver the deposition to the party who requested that the testimony be transcribed.

(2) *Filing.*

(a) By the Officer. Upon delivery of a deposition, the officer shall file with the court a certificate showing the caption of the case, the name of the deponent, the date the deposition was taken, the name and address of the person having custody of the original deposition, and whether the charges have been paid. The officer shall not file a copy of the deposition with the court except upon court order.

(b) By a Party. A party shall not file a deposition with the court except upon specific court order or contemporaneously with a motion placing the deposition or a part thereof in issue. The court may enact local court rules requiring a party who intends to use a deposition at a hearing or trial to file that deposition with the court on or prior to the date of the hearing or trial.

(c) Return of Deposition. At the conclusion of the hearing or trial the deposition that has been filed or delivered to the court shall be returned to the party that filed or delivered the deposition.

(d) Retention of Deposition. The original deposition shall be maintained until the case is finally disposed.

(3) *Exhibits.* Documents and things produced for inspection during the examination of the witness shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition and may be inspected and copied by any party, except that (A) the person producing the materials may substitute copies to be marked for identification if the person affords to all parties fair opportunity to verify the copies by comparison with the originals and (B) if the person producing the materials requests their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to and returned with the deposition. Any party may move for an order that the original be annexed to and returned with the deposition to the court pending final disposition of the civil action.

(4) *Copies.* Upon request and payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

**(h) Failure to Attend or to Serve Subpoena; Expenses.**

(1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving notice to pay to such other party the reasonable expenses incurred by that other party and that other party's attorney in attending, including reasonable attorney's fees.

(2) If a witness fails to appear for a deposition and the party giving the notice of the taking of the deposition has not complied with these rules to compel the attendance of the witness, the court may order the party giving the notice to pay to any party attending in person or by attorney the reasonable expenses incurred by that other party and that other party's attorney in attending, including reasonable attorney's fees.

**57.05. PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN**

(a) **In Missouri.** Within the State of Missouri, depositions shall be taken before an officer authorized by the laws of this state to administer oaths, or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony.

## **RULE 70. INSTRUCTIONS**

### **70.02. INSTRUCTIONS TO JURIES**

(e) **Instructions Conference and Record.** The court shall hold an instructions conference with counsel to determine the instructions to be given. The court shall inform counsel as to the instructions that are to be given prior to the time they are delivered to the jury. All instructions refused and all instructions given, including a record of who tendered them, shall be kept as a part of a record in the case. An opportunity shall be given for counsel to make objections on the record, out of the hearing of the jury, before the jury retires to deliberate.

## **RULE 81. APPEALS**

### **81.03. DESIGNATION OF PARTIES ON APPEAL**

The party appealing shall be known as the appellant, and the adverse party as the respondent, but the title of the action shall not be changed in consequence of the appeal. Whenever the words "appellant" and "respondent" appear in these rules, they shall be taken to mean and include other parties occupying like positions in a case.

### **81.04. APPEALS, WHEN AND HOW TAKEN - CROSS APPEALS - DOCKET FEES**

(a) **Filing the Notice of Appeal.** When an appeal is permitted by law from a trial court, a party may appeal from a judgment or order by filing with the clerk of the trial court a notice of appeal. No such appeal shall be effective unless the notice of appeal shall be filed not later than ten days after the judgment or order appealed from becomes final.

(b) **Cross Appeals.** If timely notice of appeal is filed by a party, any other party may file a notice of appeal within ten days of the date the first notice of appeal was filed.

### **81.05. JUDGMENTS, WHEN FINAL - PREMATURE FILING OF NOTICE OF**



## **APPEAL - COMPUTATION OF TIME**

**(b) Premature Filing of Appeal.** In any case in which a notice of appeal has been filed prematurely, such notice shall be considered as filed immediately after the time the judgment becomes final for the purpose of appeal.

### **81.12. CONTENTS OF THE RECORD ON APPEAL - DESIGNATION OF THE RECORD ON APPEAL - COMPILING, ORDERING, FILING AND SERVICE OF RECORD ON APPEAL - ERRORS, OMISSIONS AND SUPPLEMENTAL RECORD ON APPEAL**

**(a) Contents of Record on Appeal.** The record on appeal shall contain all of the record, proceedings and evidence necessary to the determination of all questions to be presented, by either appellant or respondent, to the appellate court for decision. In order to reduce expense and expedite the preparation of the record on appeal, it is divided into two components, i.e. the "legal file" and the "transcript."

The legal file shall be so labeled with a cover page and contain clearly reproduced exact copies of the pleadings and other portions of the trial record previously reduced to written form.

The transcript shall contain the portions of the proceedings and evidence not previously reduced to written form.

The legal file shall always include, in chronological order: the pleadings upon which the action was tried, the verdict, the findings of the court or jury, the judgment or order appealed from, motions and orders after judgment, and the notice of appeal, together with their respective dates of filing or entry of record; except the parties may agree in writing upon an abbreviated or partial record on appeal or upon a statement of the case as provided in Rule 81.13.

**(b) Matters Omitted.** The record on appeal shall not include or set forth the original or any

subsequent writ or the return thereto unless a question is raised as to the regularity of the process or its execution or as to the jurisdiction of the court. If any pleading be amended the record on appeal shall include the last amended pleading and shall not set forth any abandoned pleadings or abandoned part of the record not introduced in evidence. No matter touching on the organization of the court, or any continuance, motion, or affidavit, not material to the questions presented for determination, shall be inserted in the record on appeal. Documentary evidence, where there is no dispute as to its admissibility or legal effect, may be stated according to its legal effect. Formal parts not in dispute shall be omitted. No part of the record when once set forth in the record on appeal should be repeated in any other part of the record on appeal.

The following items shall not be included in the record on appeal unless specifically requested and necessary to determination of issues on appeal: voir dire, opening statements, closing arguments, MAI 2.01, evidence regarding damages, briefs and memoranda, notices of filing, subpoenas, summonses, motions to extend time, affidavits and admissions of service and mailing, notices of settings, depositions and notices, and jury lists.

**(c) Duty of Appellant to Order the Transcript and Compile the Record on Appeal.** Within ten days after the notice of appeal is filed, appellant shall order the transcript, in writing, from the reporter or from the clerk of the trial court if the proceedings were recorded by means of an electronic sound recording. Charges due for preparation of the transcript shall be paid as directed in § 512.050, RSMo. The written order shall designate the portions of the proceedings and evidence not previously reduced to written form that are to be included in the transcript. Appellant's certificate stating the date on which the transcript was ordered and the date on which the transcript charges were paid shall be filed in the appellate court within ten days after the payment of the charges. A copy of appellant's certificate shall be served on all other parties. .

Appellant also shall prepare the legal file, including the index thereto, and serve a copy upon all other parties. Unless the parties file a written agreement regarding the legal file as provided in Rule 81.15(c), appellant shall order any documents that are needed for the legal file from the clerk of the trial court within thirty days after the notice of appeal is filed. Unless the parties file a written agreement

regarding the legal file as provided in Rule 81.15(c), the clerk of the trial court shall certify copies of the documents needed for the legal file as provided in Rule 81.15(a). Appellant shall be responsible for preparing the legal file, including the index thereto, from the certified copies of such documents.

If a respondent is dissatisfied with appellant's record on appeal, that respondent may file within the time allowed for filing respondent's brief such additional parts of the record on appeal as respondent considers necessary. Respondent shall contemporaneously serve a copy of such supplemental record on all other parties.

**(d) Record on Appeal - When and Where Filed and Served** Within the time prescribed by Rule 81.19, the appellant shall cause the record on appeal to be prepared in accordance with the provisions of this Rule 81 and to be filed with the clerk of the proper appellate court, and shall serve a copy thereof on the respondent or, in the case of multiple respondents, in the manner provided in Rule 81.14(d). If a floppy disk is filed with the transcript, a copy of the disk also shall be served. Proof of such service shall be filed with the appellate court. A copy of both the index of the transcript and the index of the legal file, with the caption of the case noted thereon, shall be filed with the clerk of the trial court. A copy of the complete transcript and legal file shall not be filed with the trial court except upon court order. In the event of the filing of any additional or supplemental record pursuant to Rule 81.12(c) or Rule 81.12(e), such additional or supplemental record shall be served, and copies of the indexes thereto shall be filed with the clerk of the trial court as provided herein.

**(e) Errors - Omissions - Supplemental Record on Appeal.** If anything material is omitted from the record on appeal, the parties by stipulation, or the appellate court, on a proper suggestion or of its own initiative, shall direct that the omission or misstatement be corrected. The appellate court may, if it deems necessary, order that a supplemental record on appeal be prepared and filed by either party or by the clerk of the trial court including any additional part of the trial record, proceedings, and evidence, or the clerk may be directed to send up any original documents or exhibits.

### **81.13. AGREED STATEMENT AS THE RECORD ON APPEAL**

When the questions presented by an appeal can be determined without an examination of all the pleadings, evidence and proceedings in the court below, the parties may prepare and sign a statement of the case showing how the questions arose and were decided in the trial court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the questions by the appellate court. The statement shall include a copy of the judgment or order appealed from, a copy of the notice of appeal with its filing date and a concise statement of the points to be relied on by the appellant. If the statement conforms to the truth, it, together with such additions as the Court may consider necessary fully to present the questions raised by the appeal, shall be approved by the trial court and shall then be certified to the appellate court as the record on appeal.

#### **81.14. THE RECORD ON APPEAL, MULTIPLE APPEALS - FORM OF RECORD ON APPEAL**

**(a) Multiple Appeals - The Record on Appeal.** If more than one appeal is taken from the same judgment, a single record on appeal may be prepared with each appellant sharing the cost.

**(b) Form - Index and Page Numbers.** The pages of both the legal file and the transcript shall be numbered consecutively and each shall contain a complete index at the front thereof designating the specific volumes and pages where the particular records, pleadings, motions, verdicts, judgment, orders, instructions, evidence, exhibits, and documentary evidence may be found. If portions of the trial record, proceedings, and evidence are omitted from the transcript, the indices shall so indicate. If the transcript includes the testimony of witnesses, the index shall refer to the transcript pages where the several examinations (direct, cross, redirect, etc.) of each witness may be found. Exhibits shall be identified in the index by number or letter and page and, in addition, shall be described so that the court can distinguish the exhibits.

**(c) Form of Record on Appeal.** The legal file shall be duplicated by any clear dry duplicating process but may be typewritten or printed if the duplicating process is inadequate.

The transcript shall be typewritten or printed or prepared by any other clear dry duplicating

process. If typewritten, the legal file or transcript shall comply with the requirements of Rule 81.18. If duplicated, the legal file shall be a true copy of the original documents.

**(d) Multiple Respondents.** In every case where there is more than one party respondent, and all of such parties respondent are not represented by the same counsel, the appellant shall serve a copy of the legal file on each respondent. The appellate court, on application therefor, may make such order respecting delivery of a copy of the transcript as may be just and equitable.

### **81.15. CERTIFICATION OF RECORD ON APPEAL**

(a) Except as provided in Rule 81.15(c), the legal file shall be certified by the clerk of the trial court to consist of true copies of portions of the trial record, proceedings, and evidence previously reduced to writing and filed in the trial court.

(b) If the trial proceedings are recorded by a court reporter present at the time of such proceedings, the transcript thereof shall be certified by the court reporter as a true and accurate reproduction of the proceedings transcribed. If the trial proceedings are recorded by means of electronic sound recording, the transcript thereof shall be certified by the transcriber as a true and accurate reproduction of the sound recording.

(c) The legal file certified as provided in Rule 81.15(a) and the transcript certified as provided in Rule 81.15(b) shall be filed by the clerk of the appellate court without need for the parties to approve them. The filing of the legal file or the transcript shall not operate as a waiver by the filing party of the right to dispute the correctness thereof as provided in Rule 81.15(d). If the parties agree in writing filed with the appellate court that either the legal file or the transcript is, or that both the legal file and the transcript are, true and accurate, certification shall not be required of that part of the record on appeal on which such agreement is reached, and that part of the record on appeal shall be filed by the clerk of the appellate court.

(d) If there is any dispute concerning the completeness of the record on appeal, additional parts of the record on appeal may be filed pursuant to Rule 81.12(c), or the record on appeal may be supplemented pursuant to Rule 81.12(e). If there is any dispute concerning the correctness of any legal file or transcript, the party disputing the correctness thereof shall designate in writing to the appellate court those portions of the legal file or transcript that are disputed. Such designation shall be filed with the appellate court within fifteen days after the legal file or the transcript, whichever is in dispute, is filed. The appellate court, either on application or on its own motion, may enlarge the time within which any such designation shall be filed. The appellate court shall direct the trial court to settle the dispute and to certify the correct contents of such portion to the appellate court, and such certification by the trial court shall become a part of the record on appeal.

(e) The provisions of this Rule 81.15 relating to certification and correctness of the record on appeal shall apply also to any additional parts of the record filed pursuant to Rule 81.12(c) and to any supplemental record filed pursuant to Rule 81.12(e).

#### **81.16. EXHIBITS - RECORDS ON APPEAL - TRANSCRIPT, EXHIBITS NEED NOT BE INCORPORATED**

The parties may stipulate that all or any part of the original exhibits shall be omitted from the record on appeal and be separately filed in the appellate court. If it is impracticable to incorporate any exhibit in the record on appeal, such as models, diagrams, x-ray pictures, and material exhibits, such fact may be noted in the record on appeal at the place where such exhibit is offered in evidence and the exhibit may be deposited with the clerk of the appellate court. If an exhibit is heavy or bulky so that it is impracticable to deposit it with the clerk of the appellate court, it may be represented in the record on appeal by photograph or mechanical drawing and description to fairly represent the exhibit to the appellate court.

#### **81.17. RECORD ON APPEAL - REVIEWING LEGAL EFFECT OF INSTRUCTIONS,**

## **EVIDENCE NOT NECESSARY, WHEN**

When an appellant desires only to have reviewed legal questions with respect to instructions given or refused and a review of the evidence is unnecessary to pass on those legal questions it is not necessary for the appellant to include the evidence in the record on appeal. In such case the appellant shall serve upon the respondent and file in the appellate court, within thirty days after the filing of the last notice of appeal, a designation of the parts of the trial record, proceedings, and evidence which the appellant intends to include in the record on appeal and a statement of the issues the appellant intends to present on appeal. The statement shall show what material fact or facts the evidence tended to prove. If the respondent considers other parts of the trial record, proceedings, and evidence to be necessary, the respondent shall, within ten days after the service of the statement of appellant, serve upon the appellant and file in the appellate court a designation of additional parts which the respondent intends to include in the record on appeal and any additional issues the respondent intends to present on appeal. Failure of the respondent to serve and file such indication shall constitute an admission and agreement that the respondent agrees that the statement is correct and that a transcript of the evidence need not be included in the record on appeal.

## **81.18. FORM OF TYPEWRITTEN TRANSCRIPTS AND OTHER DOCUMENTS**

(a) Typewritten documents shall be legible, on paper of size 8 1/2 x 11 inches, securely bound and paged at the bottom.

Documents shall be on bond paper weighing not less than nine pounds to the ream, shall be typed on one side of the paper, shall be double-spaced, and shall have a left margin of not less than one inch.

If a cover is required, the documents shall have a tan cover.

The type used shall be not less than a ten pitch and ten characters to the inch in a fixed space type. If a proportionally spaced type is used, it shall be not smaller than 13 font, Times New Roman on Microsoft Word.

(b) Typewritten transcripts shall conform to the provisions of Rule 81.18(a) except that they shall be securely bound on the left side with either spiral binding or fasteners that extend a full one inch beyond

the depth of the volume and shall have a left margin of not less than one and one-fourth inches. A volume of transcript shall not exceed two hundred sheets of paper.

(c) In lieu of filing a transcript as provided in Rule 81.18(b), a party may file a transcript in page reduction format. Page reduction transcripts shall conform with the provisions of Rule 81.18(b), except that not more than four pages of transcript may appear on each side of each sheet of paper in the page reduction format. The party filing a transcript in page reduction format shall file the full-page transcript with the court if ordered by the court to do so. Further, if a page reduction format transcript is filed, it shall be accompanied by floppy disks containing the transcript. The floppy disk shall be double sided, high density 1.44 MB, 3 1/2 inch size. An adhesive label shall be affixed to each disk legibly identifying the caption of the case, the disk number (e.g., "Disk 1 of 2"), and the word processing format (e.g., Microsoft Word). Word format shall be used if available. If Word is unavailable, the material shall be formatted in WordPerfect 5.x or higher.

#### **81.19. TIME FOR FILING OF RECORD ON APPEAL**

The record on appeal shall be filed with the appellate court:

(a) If the record on appeal consists only of a legal file, within thirty days from the date of the filing of the notice of appeal in the trial court;

(b) In all other cases, within ninety days from the date of the filing of the notice of appeal in the trial court.

If more than one appeal is taken from the same judgment to the same appellate court, the time for filing shall date from the filing of the last notice of appeal in the trial court.

#### **81.20. RECORD ON APPEAL - EXTENSION OR REDUCTION OF TIME FOR FILING**

The appellate court, either on application or on its own motion, may enlarge or shorten the time for filing the record on appeal.



## **RULE 84. PROCEDURE IN ALL APPELLATE COURTS**

### **84.18. COSTS OF RECORD ON APPEAL WHEN ALLOWED**

Except where the court for good cause shown directs otherwise, costs of the appeal shall be assessed as follows: If the appellant wins in the appellate court, that court shall tax the docket fee and the cost of the record on appeal in appellant's favor. If the appellant is the losing party, the appellant shall stand the cost of the record on appeal including the cost of any part thereof supplied by the respondent and found necessary. In those cases where the appellant takes an appeal to review only legal questions pertaining to instructions, given or refused, and the evidence is unnecessary to the determination of the cause, but the respondent requests the appellant to include the evidence in the record on appeal, then the cost of supplying such evidence shall be taxed against the respondent.

Counsel preparing the record shall certify the cost of preparing the legal file and any relevant subportions thereof and shall indicate which parties ordered the subportions thereof.

The cost of preparing the transcript shall be certified thereon by the reporter. Transcript costs will be allowed for all copies of transcripts required by these rules. [See § 488.2250, RSMo.]

## **RULES OF JUVENILE PROCEDURE**

### **RULE 117. RULES APPLICABLE TO ALL HEARINGS**

#### **117.03. RECORD OF PROCEEDINGS**

A complete record of all testimony shall be kept by stenographic reporting, by mechanical or electronic device, or by some combination thereof. Exhibits and other tangible evidence shall be preserved by the party offering the same unless otherwise directed by the court.

### **RULE 121. TERMINATION OF PARENTAL RIGHTS**

#### **121.01. TERMINATION, WHEN**

If a petition is filed pursuant to § 211.447, RSMo, and if the court finds after the hearing held pursuant to § 211.477, RSMo, that termination is in the best interest of the juvenile and that the statutory conditions for termination exist, the court may terminate the rights of a parent to a juvenile.

### **RULE 122. RIGHTS OF JUVENILES**

#### **122.02. JUVENILE COURT RECORDS TO BE CONFIDENTIAL**

The records of the court as well as all information obtained and social records prepared in the discharge of official duty for the court shall be kept confidential and shall be open to inspection only by order of the judge of the court or as otherwise provided by statute.

### **OTHER RULES, GENERALLY**

Information relevant to depositions can be found in the following rules: Rules 25.13, 25.14, and Rule 57, generally.

**REVISED STATUTES OF MISSOURI**

**CHAPTER 49**

**COUNTY COMMISSIONS AND COUNTY BUILDINGS**

**49.225. Stenographic record.**

In proceedings before county commissions, the commissioners or any party whose interests are

being determined may require that all the evidence introduced be reported by a competent stenographer and when so reported the evidence shall be transcribed and shall become a part of the record in the case. The party requesting the stenographic record is liable for the costs thereof if the matter is decided against him and the county commission may require him to give security for the costs before ordering the stenographic record.

**49.230. Appeals.**

Appeals from the decisions, findings, and orders of county commissions shall be conducted under the provisions of Chapter 536, RSMo.

**CHAPTER 56**

**CIRCUIT AND PROSECUTING ATTORNEYS AND COUNTY COUNSELORS**

**56.540. Circuit attorney - assistants, investigators, clerical employees, duties - oath compensation.**

2. The circuit attorney may also appoint one chief clerk, grand jury reporters, and as many clerks, criminal legal investigators, reporters and stenographers as he deems necessary for the proper administration of his office. It is the duty of the clerks, reporters and stenographers to act as clerks, reporters and stenographers for the circuit attorney, and, when so directed by him, the reporters and stenographers shall take down and transcribe, for his use, evidence before the grand jury or before any court of the circuit exercising criminal jurisdiction. Before taking down any evidence before the grand jury, the reporters and stenographers shall be sworn to secrecy and shall not divulge any testimony which they may hear except to the circuit attorney, or when lawfully required to do so in a court of record. The clerk, reporters and stenographers shall also perform other services as the circuit attorney may direct.

3. Salaries for all employees of the circuit attorney's office shall be set and determined by the circuit attorney and the St. Louis board of aldermen, subject to the approval of the board of estimate and apportionment of the City of St. Louis.

4. All salaries shall be paid on a biweekly basis.

5. Appointments by the circuit attorney of assistant circuit attorneys, clerks, stenographers, reporters, criminal legal investigators, and all other personnel, in excess of the minimum numbers authorized by this section, shall be subject to the approval of the board of estimate and apportionment of the City of St. Louis.

#### **56.570. Assistants and clerks - tenure .**

The assistant circuit attorneys, clerks and stenographers appointed under the provisions of this chapter shall hold office from month to month, during the pleasure of the circuit attorney, and shall be removable at any time by the circuit attorney, at his option.

### **CHAPTER 211**

### **JUVENILE COURTS**

#### **211.321. Records – disclosure – confidentiality – exceptions - proceedings.**

1. Records of juvenile court proceedings as well as all information obtained and social records prepared in the discharge of official duty for the court shall not be open to inspection or their contents disclosed, except by order of the court to persons having a legitimate interest therein, unless a petition or motion to modify is sustained which charges the child with an offense which, if committed by an adult, would be a class A felony under the criminal code of Missouri, or capital murder, first degree murder, or second degree murder or except as provided in subsection 2 of this section. In addition, whenever a report is required under § 557.026, RSMo, there shall also be included a complete list of certain violations of the juvenile code for which the defendant had been adjudicated a delinquent while a juvenile. This list shall be made available to the probation officer and shall be included in the presentence report. The violations to be included in the report are limited to the following: rape, sodomy, murder, kidnapping, robbery, arson, burglary or any acts involving the rendering or threat of serious bodily harm. The supreme court may promulgate rules to be followed by the juvenile courts in separating the records.

## **CHAPTER 452**

### **DISSOLUTION OF MARRIAGE, DIVORCE, ALIMONY, AND SEPARATE MAINTENANCE**

**452.395. Custody proceedings, priority of - judge to determine law and fact  
- secrecy, when**

1. Custody proceedings shall receive priority in being set for hearing.
2. The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interests, the court may exclude the public from a custody hearing, but may admit any person who has a direct and legitimate interest in the particular case.
3. If the court finds it necessary to protect the child's welfare that the record of any interview, report, investigation, or testimony in a custody proceeding be kept secret, the court may make an appropriate order sealing the record.

*In the event the custody proceeding is appealed and the court enters its order sealing the record of the minor's testimony, it is suggested that the reporter transcribe the original only of that portion, have the judge sign it, seal it, and attach it to the original transcript on appeal. At the place in the transcript where it would ordinarily appear, the following parenthetical remark is suggested:*

[Reporter's Note: The testimony (interview) of \_\_\_\_\_, the minor, which was heard in chambers, was ordered sealed by the trial court, pursuant to § 452.395, RSMo. The sealed transcript thereof is attached to the original transcript filed with the Missouri Court of Appeals, \_\_\_\_\_ District.]

## **CHAPTER 478**

### **CIRCUIT COURTS**

**478.072. Preserving record, case assigned to associate circuit judge, how, approval**



**required - supreme court to prescribe procedures and forms.**

**1.** In any case assigned to an associate circuit judge to be heard upon the record as authorized by law, the associate circuit judge shall utilize electronic, magnetic, or mechanical sound, or video recording devices, or a court reporter, or a stenographer for the purpose of preserving the record. The method of preserving the record in each such assigned case shall be specified by the assigning judge at the time he enters his order of assignment. Electronic, magnetic, or mechanical recording devices shall be approved by the office of state courts administrator prior to their utilization by any associate circuit judge.

**2.** The supreme court shall by order prescribe necessary and proper forms and procedures in addition to those specified herein.

**3.** Any circuit judge serving as judge of a probate division of the circuit court may also preserve the record in his court by using such approved electronic, magnetic, or mechanical recording devices.

## **CHAPTER 485**

### **COURT REPORTERS AND STENOGRAPHERS**

**485.40. Judges of circuit courts to appoint reporters – qualifications.**

1. For the purpose of preserving the record in all cases for the information of the court, jury and parties, and for expediting the public business, each circuit judge shall appoint an official court reporter who shall be a certified court reporter as provided by Rule 14 of the supreme court. Such court reporter shall be a sworn officer of the court, and shall hold his office during the pleasure of the judge appointing him, and on the death, resignation, or retirement of that judge, the reporter shall retain his office until the judge's successor is elected or appointed.

2. In lieu of a full-time court reporter, a circuit judge who serves as the judge of the probate division may utilize the services of a court reporter on a part-time basis or may preserve the record in the manner provided in § 478.072, RSMo.

#### **485.050. Duties.**

It shall be the duty of the official court reporter so appointed to attend the sessions of the court, under the direction of the judge thereof; to take full stenographic notes of the oral evidence offered in every cause tried in said court, together with all objections to the admissibility of testimony, the rulings of the court thereon, and all exceptions taken to such rulings; to preserve all official notes taken in said court for future use or reference, and to furnish to any person or persons a transcript of all or any part of said evidence or oral proceedings upon the payment to him of the fee herein provided.

#### **485.055. Reporters may be transferred, when - power and rights.**

1. Whenever the supreme court makes an order temporarily transferring a circuit judge to a circuit

court other than the court to which he was appointed or elected, or whenever any such judge is temporarily transferred or assigned in a manner other than by order of the supreme court, the supreme court, upon written notice from such transferred judge, shall, if the regular reporter is for any reason unavailable and the transfer is deemed necessary, order the temporary transfer of the official court reporter of the court of such transferred judge to accompany the judge and perform all the duties of the official court reporter of the court to which the judge is transferred in the matters heard or considered by the transferred judge while so transferred, and the official court reporter shall perform the same duties, make the same charges for his services, and be subject to the same laws and rules while acting as such transferred reporter as though he were the regularly appointed official reporter of the court to which he was temporarily appointed.

2. Upon the request made to the supreme court by a circuit judge whose official reporter is absent by reason of illness or physical incapacity, for the transfer of a reporter, the supreme court may, with the consent of the judge appointing him, or without such consent if said judge is absent or incapacitated, order the temporary transfer of another official reporter to said circuit court, and the official reporter shall perform the same duties, make the same charges for his services, and be subject to the same laws and rules while acting as such transferred reporter as though he were the regularly appointed official reporter of the court to which he was temporarily appointed.

3. In all judicial circuits having more than one circuit judge, in the absence or incapacity of one of the judges, the presiding judge may order the court reporter of said absent or incapacitated judge to act as court reporter of another division of said court when he shall deem such action necessary.

#### **485.060. Compensation of reporters.**

Each court reporter for a circuit judge shall receive an annual salary of twenty-six thousand nine

hundred dollars beginning January 1, 1985, until December 31, 1985, and beginning January 1, 1986, an annual salary of thirty thousand dollars. Such annual salary shall be modified by any salary adjustment provided by § 476.405, RSMo, payable in equal monthly installments on the certification of the judge of the court or division in whose court the reporter is employed. When paid by the state the salaries of such court reporters shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.

**485.065. Source of funds for reporter's salary.**

The entire salary of each court reporter and the expense of part-time court reporters for circuit judges serving as judges of the probate division as provided in subsection 2 of § 485.040 shall be paid out of the state treasury.

**485.075. Appointment of temporary court reporter, when - compensation - duration.**

In the absence of the official reporter of any circuit judge because of illness or physical incapacity to perform his duties, the judge may appoint a temporary reporter, who shall perform the same duties and receive the same compensation as provided for the regular reporter for the time served by the appointee as temporary reporter, to be paid upon certification of the judge making such appointment. No temporary appointment shall continue through more than thirty court days in any calendar year unless so ordered by the supreme court of this state.

**485.077<sup>1</sup>. Certification of official court reporters required.**

1. No judge of any court in this state shall appoint an official court reporter who is not a court reporter certified by the board of certified court reporter examiners, as provided in Supreme Court Rule 14. In the absence of an official court reporter due to illness, physical incapacity, death, dismissal or resignation, a judge may appoint a temporary court reporter, but such temporary court reporter shall not serve more than six months without obtaining a certificate pursuant to the provisions of Supreme Court Rule 14.

2. No testimony taken in this state by deposition shall be given in any court in this state, and no record on appeal from an administrative agency of this state shall include testimony taken in this state by deposition, unless the deposition is prepared and certified by a certified court reporter, except as provided in Supreme Court Rule 57.03(c).

3. Deposition testimony taken outside the state shall be deemed to be in conformity with this section if the testimony was prepared and certified by a court reporter authorized to prepare and certify deposition testimony in the jurisdiction in which the testimony was taken.

4. This section shall not apply to depositions taken in this state in connection with cases not pending in a Missouri state court or administrative agency at the time the deposition was taken.

#### **485.090. Reimbursement for expenses while attending court - how paid.**

Every official court reporter of a circuit court of a judicial circuit comprised of two or more counties, in addition to his salary, shall be reimbursed for all sums of money actually expended by him in necessary hotel and traveling expenses while engaged in attending any regular, special or adjourned term of court at any place in the judicial circuit in which he is appointed, other than the county of his residence, or while engaged in going to and from any such place for the purpose of attending terms of court. All of such actual expenses shall be paid out of the state treasury.

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<sup>1</sup> *Formerly Section 476.365.*

**CHAPTER 486**  
**COMMISSIONERS OF DEEDS and NOTARIES PUBLIC**

**486.255. Notary disqualified, when**

1. For the purposes of this chapter, a notary public has a disqualifying interest in a transaction in connection with which notarial services are requested if he is named, individually, as a party to the transaction.

2. No notary who has a disqualifying interest in a transaction may legally perform any notarial act in connection with the transaction.

## **CHAPTER 488**

### **COURT COSTS**

#### **488.2250. Fees for transcript of notes - judge may order transcript, when - taxing of fees.**

For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of one dollar and fifty cents per twenty-five line page for the original of the transcript, and the sum of thirty-five cents per twenty-five line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which he shall receive one dollar and fifty cents per legal page and for the copies twenty cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court.

## **CHAPTER 491**

### **WITNESSES**

#### **491.030. Adverse party may be compelled to testify in civil cases.**

Any party to any civil action or proceeding may compel any adverse party, or any person for whose immediate and adverse benefit such action or proceeding is instituted, prosecuted or defended, to testify as a witness in his behalf, in the same manner and subject to the same rules as other witnesses; provided, that the party so called to testify may be examined by the opposite party, under the rules applicable to the cross-examination of witnesses.



**CHAPTER 492**  
**OATHS AND AFFIRMATIONS, DEPOSITIONS**  
**AND PERPETUATION OF TESTIMONY**

**492.010. Officers and notary public authorized to administer oaths .**

Every court and judge, justice and clerk thereof, notaries public, certified court reporters and certified shorthand reporters, shall respectively have power to administer oaths and affirmations to witnesses and others concerning any thing or proceeding pending\* before them, respectively, and to administer oaths and take affidavits and depositions within their respective jurisdictions, in all cases where oaths and affirmations are required by law to be taken.

\*Word "depending" appears in original rolls, an apparent typographical error.

**492.340. Deposition shall be submitted to witness for examination - signing of deposition.**

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found, or is dead or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness, or death or absence of

the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the court holds that the reasons given for the refusal to sign requires rejection of the deposition in whole or in part.

**492.350. Certificate of officer taking depositions.**

To every deposition or examination, taken by virtue of sections 492.080 to 492.400 shall be appended the certificate of the person or officer by or before whom the same shall be taken, showing that the deposition or examination was reduced to writing in his presence, and was subscribed and sworn to by the witnesses, and the place at which, and the days, and within the hours, when the same was taken.

**492.360. Exhibits to be enclosed with depositions and directed to clerk.**

Depositions or examinations taken by virtue of any of the provisions of sections 492.080 to 492.400 and all exhibits produced to the person or officer taking such examinations or depositions, and proved or referred to by any witness, together with the commission and interrogatories, if any, shall be enclosed, sealed up, and directed to the clerk of the court in which or the associate circuit judge before whom the action is pending.

**492.540. Depositions, how certified and to whom delivered.**

The officer taking such depositions shall attach thereto his certificate, stating the time and place when and where such depositions were taken, that the witnesses were duly sworn as to the truth of their depositions, and that they subscribed the same, and shall enclose them, together with the commission and

the evidence of notice; and the whole, being carefully sealed up, shall be delivered by the officer to the recorder of the county in which the suit is pending, or in which the property or matter is situate or belongs, to which such depositions relate.

**492.590. Costs and expenses of taking depositions, how awarded and collected  
- limitations.**

1. The costs and expenses of depositions, whether originals or copies, or related court reporter, notarial, or other fees of recording the same, shall be awarded as a judgment in favor of the party or parties requesting the same, and collected in the manner provided by section 514.460\*, RSMo. Any party incurring any such costs or expenses may request the taxing of such costs or expenses actually incurred by that party whether or not such depositions were taken at the instance of that party or some other party to the suit or suits, provided, however, that any judgment awarded for copies of depositions shall be limited to the cost of one copy per party, except upon leave of court.

2. The costs and expenses so incurred shall be certified by the reporter taking the same and shall be further limited by the court in which the action is pending at the request of either party with said limitation based on:

- (1) The relevancy and probative value of the testimony offered by deponent;
- (2) The time required in the taking of the deposition;
- (3) The reasonableness of the charge made by the reporter;
- (4) The availability of stenographers or shorthand reporters in the area where the deposition is taken;
- (5) Charges made by other stenographers or shorthand reporters in the community.

*Effective 7-1-97*

(1998) Word "incurred" in statute does not mean "paid". It means to "to become liable for". *Burwick v. Wood*, 959 S.W.2d 951 (Mo.App. S.D.).

*[The reader should also note this chapter, in general, for information relevant to depositions.]*

## **CHAPTER 512**

### **APPEALS AND APPELLATE PROCEDURE**

#### **512.050. Notice of appeal - when filed - court reporter to be paid, when.**

When an appeal is permitted by law from a trial court and within the time prescribed, a party or his agent may appeal from a judgment or order by filing with the clerk of the trial court a notice of appeal. No such appeal shall be effective unless the notice of appeal shall be filed not later than ten days after the judgment or order appealed from becomes final. All charges due to the court reporter for preparation of the transcript of the record of the trial court shall be paid within ten days of the ordering of the transcript. In the event that actual charges due for the preparation of the transcript cannot be readily determined, a deposit in the amount of the estimated charges due for preparation of the transcript shall be paid within ten days of the written notification by the court reporter of the amount of such estimated charges. The court reporter shall provide such written notification within ten days of any request for transcript. After a timely filing of such notice of appeal, failure of the appellant to take any of the further steps to secure the review of the judgment or order appealed from does not affect the validity of the appeal, but is ground for such action as the appellate court deems appropriate, which may include dismissal of the appeal.

**CHAPTER 540**  
**GRAND JURIES AND THEIR PROCEEDINGS**

**540.105. Reporter to record testimony - oath.**

An official reporter of the circuit court, when directed by the judge thereof, shall take down and transcribe for use of the prosecuting or circuit attorney any or all evidence given before the grand jury. Before taking down any such evidence, however, such reporter shall be sworn by the foreperson of such grand jury not to divulge any of the proceedings or testimony before the grand jury or the names of any witnesses except to the prosecuting or circuit attorney or to any attorney lawfully assisting him in the prosecution of an indictment brought by such grand jury.

**CHAPTER 552**  
**CRIMINAL PROCEEDINGS INVOLVING MENTAL ILLNESS**

**552.045. Transcript of proceedings and preliminary letter to institution, when.**

1. Whenever the court commits to a state institution for observation or detention the person afflicted with a mental illness or defect under authority of this chapter, the court shall also order a transcript of all, or any part, of the evidence or oral proceedings in the case to be given to the institution and the expense to be paid as authorized by § 485.2250, RSMo.

## **CHAPTER 610**

### **GOVERNMENTAL BODIES AND RECORDS**

**610.100. Definitions - arrest and incident records shall be available to public - closed records, when - record redacted, when - access to incident reports, record redacted, when - action for disclosure of investigative report authorized, costs, - application to open incident and arrest reports, violations, civil penalty - identity of victim of sexual offense.**

**1.** As used in sections 610.100 to 610.150, the following words and phrases shall mean:

(1) "Arrest", an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

(2) "Arrest report", a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefore.

(3) "Inactive", an investigation in which no further action will be taken by a law enforcement agency

or officer for any of the following reasons:

- (a) A decision by the law enforcement agency not to pursue the case;
- (b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;
- (c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;

(4) "Incident report" is a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;

(5) "Investigative report", a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

2. Each law enforcement agency of this state, of any county, and of any municipality[,] shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, RSMo, investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or



prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of the information contained in an investigative report be released to the person bringing the action. In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity. The investigative report in question may be examined by the court in camera. The court may find that the party seeking disclosure of the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the investigative report was substantially unjustified under all relevant circumstances, and in that

event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to fine thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.127. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566, RSMo, may request that his or her identity be kept confidential until a charge relating to such incident is filed.

#### **610.105. Effect of nolle pros - dismissal - sentence suspended on record.**

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except as provided in section 610.120 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to section 552.030, RSMo, official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child- care agencies, facilities as defined in section 198.006, RSMo, and in-home

services provider agencies as defined in section 660.250, RSMo, in the manner established by section 610.120.

**610.115. Penalty.**

A person who knowingly violates any provision of sections 610.100, 610.105, 610.106, or 610.120 is guilty of a class A misdemeanor.

**610.120. Records to be confidential - accessible to whom, purposes.**

1. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and section 43.507, RSMo. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to section 43.500, RSMo, criminal justice employment, screening persons with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including but not limited to watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by section 43.543, RSMo, to submit and when submitting fingerprints to the central repository; the sentencing advisory commission created in section 558.019, RSMo, for the purpose of studying sentencing practices in accordance with section 43.507, RSMo; to qualified entities for the purpose of screening providers defined in section 43.540, RSMo; the department of revenue for driver license administration; the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, RSMo, department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and federal agencies for purposes of criminal justice administration,

criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

2. These records shall be made available only for the purposes and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with section 43.509, RSMo. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

*[Note: The reader should also note the following statutes: 488.432 deals with recovery of deposit; 492.370 deals with authentication of depositions; 536.073 deals with depositions; 543.335 deals with appeals on jury cases, misdemeanors or county ordinance violations tried before associate judges; 545.570, 545.580, 545.610, transcripts - removal of cause, costs; 545.590, lost transcripts; 547.110, transcript prepared by clerk; 547.120, transcript prepared by appellant.]*

## **SPECIAL RULES**

### **WESTERN DISTRICT COURT OF APPEALS**

#### **RULE XV. EXTENSION FOR FILING RECORD ON APPEAL**

(A) If an extension of time to file the record on appeal is requested on the ground that the transcript has not been completed, the appellant shall request from the court reporter or from the Central Transcribing Service of the Office of the State Courts Administrator if the proceeding was electronically recorded, a written statement in support of the request of such extension. The statement from the court reporter shall be prepared in accordance with Form 3 attached to and made a part of this rule. The statement from the Central Transcribing Service shall be on a form prepared by that office. The official reporter or the Central Transcribing Service shall promptly prepare and deliver to the appellant the supporting statement.

(B) It is Appellant's obligation to order the record on appeal within the time prescribed by Rule 81.12(c) and 30.04(c) and promptly pay any necessary deposits. Failure to do so shall be grounds for denying a request for extension of time to file the record.

(Adopted and effective July 27, 1979. Amended Jan. 12, 1984. Amended December 18, 2003; effective April 1, 2004.)

### FORM 3. COURT REPORTER STATEMENT

_____	Circuit Court No. _____
Appellant	
vs.	
_____	Appeal No. _____
Respondent	

TO THE MISSOURI COURT OF APPEALS, WESTERN DISTRICT:

In support of the appellant's motion for an extension of time to file the transcript on appeal in the above case, I hereby certify and represent to the Court:

1) that I served as the official court reporter in the trial of the above case which ended on (date of judgment) \_\_\_\_\_.

2) that within 10 days after the filing of the appellant's notice of appeal, the appellant gave me a written order for such transcript; (if not ordered within 10 days, state when transcript was ordered \_\_\_\_\_)

3) that appellant made a sufficient deposit for the transcript on (date) \_\_\_\_\_ (or was allowed to appeal *in forma pauperis*);

4) that appellant has not countermanded said order nor has he requested me to defer to delay my preparation of said transcript;

5) that I have not prepared said transcript within the time required because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If the delay is caused by the fact that transcripts are being prepared in other cases on appeal, list those cases, approximate number of pages of the transcript and the approximate date of completion. If the delay is caused by circumstances other than workload occasioned by the preparation of other transcripts, those circumstances must be stated with particularity and mere conclusions will not suffice. *Compliance with this paragraph is mandatory.*)

6) that I will complete the preparation of the transcript on appeal in this case on or before\_\_\_\_\_

7) that I have delivered, on this date, a copy of this statement to my supervising judge, the Honorable \_\_\_\_\_.

Date\_\_\_\_\_

\_\_\_\_\_  
Official Court Reporter

Phone number of Court Reporter \_\_\_\_\_ (Court)\_\_\_\_\_  
\_\_\_\_\_  
(Office)\_\_\_\_\_  
\_\_\_\_\_  
(Home)\_\_\_\_\_

(Amended effective Nov. 25, 1981; amended Dec. 18, 2003; effective April 1, 2004)

## **RULE XXVII. FORM AND FILING OF PAGE REDUCTION TRANSCRIPTS**

The transcript shall be prepared in accordance with Rule 81.18 but filed initially in page reduction format. Page reduction transcripts shall be legible, on paper of size 8 ½ x 11 inches, with four pages of transcript on one side thereof, and securely bound on the left side in such manner that all reduced pages and all print thereon are clearly visible. Page reduction transcripts shall be on bond paper weighing not less than nine pounds to a ream, and shall be bound in volumes of not more than 200 pages of reduced transcript sheets (800 pages full size transcript). The Court, at any time, on its own motion, may order the full page transcript transmitted, which shall be done within ten days of the date of such order.

*(Amended December 18, 2003, effective April 1, 2004.)*

#### **RULE XXVIII. FILING TRANSCRIPT ON FLOPPY DISK**

The transcript when filed shall be accompanied by a floppy disk or disks containing the transcript. The floppy disks shall be double sided, high density 1.44 Mb, 3 1/2 inch size. An adhesive label shall be affixed to each disk legibly identifying the caption of the case, the disk number ("Disk 1 of 2", etc.) and the word processing format ("Word Perfect" etc.). Microsoft Word or Word Perfect format must be used if available. If such formats are unavailable, the transcript shall be formatted in ASCII Text (Standard), (Stripped), or (Windows-ANSI).

*(Amended Dec. 18, 2003, effective April 1, 2004.)*



**RULE XXX. SCHEDULING ORDER – TERMINATION OF  
PARENTAL RIGHTS, ADOPTION, GUARDIANS, AND  
OTHER APPEALS AFFECTING CUSTODY OF A CHILD.**

**(A) Record on Appeal.** In all appeals from actions for termination of parental rights or adoption, the transcripts shall be ordered from the court reporter within ten days of the filing of the notice of appeal and the record on appeal shall be filed with this court within 30 days of the filing of the notice of appeal. In all other appeals from actions, including guardianships, where the Civil Case Information Form Supplement indicates that appellant anticipates raising an issue as to a provision in a judgment or order affecting custody of a child, the transcript shall be ordered from the court reporter within ten days of the filing of the notice of appeal and the record on appeal shall be filed with this court within 60 days of the filing of the notice of appeal.

**(F) Extensions of Time for Filing Record on Appeal or Briefs.** No extension of time exceeding 30 days shall be given for the filing of the record on appeal. No extension shall exceed 30 days for the filing of an appellant brief or 15 days for the filing of a respondent's brief.

*(Amended January 24, 2002, effective July 1, 2002.)*

## **EASTERN DISTRICT COURT OF APPEALS**

### **RULE 336. FORM AND FILING OF PAGE REDUCTION TRANSCRIPTS**

(a) The transcript shall be prepared in accordance with Rule 81.18 but filed initially in page reduction format. Page reduction transcripts shall be legible, on paper of size 8 ½ x 11 inches, with four pages of transcript on one side thereof, and securely bound on the left side in such manner that all reduced pages and all print thereon are clearly visible. Page reduction transcripts shall be on bond paper weighing not less than nine pounds to a ream, and shall be bound in volumes of not more than 200 pages of reduced transcript sheets (800 pages full size transcript). The Court, at any time, on its own motion, may order the full page transcript transmitted, which shall be done within ten days of the date of such order.

(b) In the event the court reporter lacks the technological means to comply with this Rule, a certificate from the court reporter shall be attached to the front of the transcript certifying that the court

reporter does not have page reduction technology available with which to file the transcript in page reduction format as required by this rule. The certificate shall be prepared in accordance with the form attached to and made a part of this rule.

(c) This rule must be followed on or after January 1, 1998, and may be followed before that date.

## **CERTIFICATE OF COURT REPORTER - NO PAGE REDUCTION FORMAT**

(CAPTION OF CASE)

### **CERTIFICATE OF COURT REPORTER**

#### **NO PAGE REDUCTION FORMAT**

I, (name of court reporter), certify that I am the official court reporter in the above-captioned cause; that the transcript of said cause is being filed in full page transcript format prepared in accordance with Supreme Court Rule 81.18; and that I do not have page reduction technology available with which to file the transcript in page reduction format as required by Missouri Court of Appeals, Eastern District Special Rule 336.

---

Signature of Court Reporter

### **RULE 337. FILING TRANSCRIPT ON FLOPPY DISK**

(a) The transcript, either in page reduction format as required by Missouri Court of Appeals, Eastern District[, ] Special Rule 336, or in full page format, when filed shall be accompanied by a floppy disk or disks containing the transcript. The floppy disks shall be double sided, high density 1.44 Mb, 3 1/2 inch size. An adhesive label shall be affixed to each disk legibly identifying the caption of the case, the disk number ("Disk 1 of 2", etc.) and the word processing format ("Word Perfect" etc.). Word Perfect or Microsoft Word format must be used if available. If such formats are unavailable, the transcript shall be formatted in ASCII Text (Standard), (Stripped), or (Windows - ANSI).

(b) In the event that the court reporter lacks the technological means to comply with this rule at the time of filing the transcript, a certificate from the court reporter shall be filed certifying that the court reporter does not have the technological means with which to transmit the transcript on disk as required by this Rule. The certificate shall be prepared in accordance with the form attached to and made a part of this rule.

(c) This rule must be followed on or after January 1, 1998, and may be followed before that date.

**CERTIFICATE OF COURT REPORTER - NO TRANSCRIPT ON DISK**

(CAPTION OF CASE)

**CERTIFICATE OF COURT REPORTER**

**NO TRANSCRIPT ON DISK**

I, (name of court reporter), certify that I am the official court reporter in the above captioned cause, and that I do not have the technological means with which to transmit the transcript on disk as required by Missouri Court of Appeals, Eastern District Special Rule 337.

---

Signature of Court Reporter

**RULE 340. EXTENSIONS OF TIME FOR FILING RECORD ON APPEAL**

If an extension of time to file the record on appeal is requested on the ground that the transcript has not been completed, the appellant shall request, from the court reporter or from the Central Transcribing Service of the Office of the State Courts Administrator, if the proceeding was electronically recorded, a written statement in support of the request for such extension. The statement from the court reporter shall be prepared in accordance with the form attached to and made a part of this rule. The statement from the Central Transcribing Service shall be on a form prepared by that office. The official court reporter or the Central Transcribing Service shall promptly prepare and deliver to the appellant the supporting statement.

**COURT REPORTER STATEMENT**

**MISSOURI COURT OF APPEALS  
EASTERN DISTRICT  
COURT REPORTER STATEMENT**

_____ )	Circuit Court of _____
_____ )	_____
vs. _____ )	Circuit Court No. _____
_____ )	Judge _____
_____ )	Appeal Number _____

Date notice of appeal filed \_\_\_\_\_

Date written order for transcript received \_\_\_\_\_

Informa Pauperis appeal      Yes \_\_\_\_\_ No \_\_\_\_\_

Date deposit was requested, if required \_\_\_\_\_

If required, date deposit was received \_\_\_\_\_

Length of trial \_\_\_\_\_

Estimated length of transcript portion or record \_\_\_\_\_

Please state concisely but specifically why the transcript will not be completed within the time required by Rule 81.18 or Rule 81.19. If the preparation of other transcripts is involved in the delay list each case, the date the transcript was ordered in each case, the approximate length of each transcript and the anticipated completion date. Illness, typist problems or other causes of delay should be similarly specified.

Anticipated delivery date of completed transcript: \_\_\_\_\_

I hereby certify that the information given is accurate and complete to the best of my knowledge.

I further certify that I have delivered, on this date, a copy of this statement to my supervising judge, the Honorable \_\_\_\_\_.

Date \_\_\_\_\_

Phone Number (Office) \_\_\_\_\_

(Home) \_\_\_\_\_

Home Address

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Official Court Reporter

*[Effective January 1, 1998]*

#### **RULE 348. TERMINATION OF PARENTAL RIGHTS APPEALS**

(a) The record on appeal shall be filed within thirty days after the notice of appeal is filed in the circuit court.

## **SOUTHERN DISTRICT COURT OF APPEALS**

### **RULE 3. MOTIONS TO EXTEND TIME FOR FILING RECORD ON APPEAL**

(a) All motions or applications for an extension of time to file the record on appeal shall be verified, shall state good cause for granting said motion and shall be accompanied by the following if the record on appeal cannot be timely filed because of a delay in the preparation of the transcript:

- (1) unless previously filed under Supreme Court Rules 30.04 (c) or 81.12 (c), there shall be filed a copy of the written order in which the transcript was ordered if such was done;

- (2) an affidavit of the court reporter, if there was one, or if not, an affidavit or other written document from the office of State Court's Administrator stating why the preparation of the transcript has been delayed and the date on which it is reasonably contemplated that the transcript can be completed; and
- (3) if appellant has been authorized to appeal as a poor person, a certified copy of the trial court's order requiring preparation of the transcript.

(b) When the time for filing the record on appeal shall have been extended by this Court, all motions for additional extensions of time to file the record on appeal shall be verified, shall state good cause for granting said motion and if the delay in filing the record on appeal shall be because the transcript on appeal has not been prepared, there shall be included an affidavit of the court reporter, if there was one, or if not, an affidavit or other written document from the State Court's Administrator stating why the transcript has not been prepared within the time as extended by this court and the date on which it is reasonably contemplated that the transcript on appeal can be completed.

(c) The affidavit filed by the court reporter shall also certify that a copy of the affidavit was delivered to the judge for whom the court reporter regularly works. The name of said judge and the date the affidavit was delivered shall be noted.

**COURT REPORTER AFFIDAVIT FORM**  
**IN THE MISSOURI COURT OF APPEALS**  
**SOUTHERN DISTRICT**

\_\_\_\_\_  
Appellant/Respondent(s),

v.

Appeal No. \_\_\_\_\_

\_\_\_\_\_  
Appellant/Respondent(s).



Comes now \_\_\_\_\_, the Official Court Reporter for the  
Circuit of Missouri, and being duly sworn upon his/her oath states as follows:

1. The record of this trial was made by me on the following date or dates:  
\_\_\_\_\_
2. The following information represents the dates of significant events toward preparing this Transcript:
  - (a) Filing of the Notice of Appeal:
  - (b) Request for Preparation of Transcript:
  - (c) Deposit made for Preparation of Transcript:
3. The said transcript has not been prepared within the time required because the undersigned has not had sufficient time, allowing for his/her other duties and responsibilities, to do so.
4. The preparation of the transcript on appeal in this case will be completed on or before: \_\_\_\_\_.
5. I further certify that I have delivered, on this date, a copy of this statement to my supervising judge, the Honorable \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Your Name) C.C.R. #0000

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20

(SEAL)

Notary Public

My Commission expires:

### **CITATIONS:**

Citations are not underlined in transcripts. Use "v." for citations and "vs." for the style of the case in transcripts.

The frequently used citations may be set up as follows:

#### **Publication**

American Jurisprudence

#### **Abbreviation**

Am Jur

American Law Reports	A.L.R.
American Law Reports, Second Series	A.L.R. 2d
Federal Reporter	F.
Federal Reporter, Second Series	F. 2d
Federal Reporter, Third Series	F. 3d
Federal Rules Decisions	F.R.D.
Federal Supplement	F. Supp.
Lawyers Reports Annotated	L.R.A.
Missouri Approved Instructions	MAI
Revised Statutes of Missouri	RSMo
South Western Reporter	S.W.
South Western Reporter, Second Series	S.W. 2d
South Western Reporter, Third Series	S.W. 3d
Supreme Court Reporter	S.Ct.
United States Reports	U.S.
Vernon's Annotated Missouri Rules	V.A.M.R.
Vernon's Annotated Missouri Statutes	V.A.M.S.